

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID CARROLL STEPHENSON,

Defendant.

Case No. CR05-5158 RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon several motions filed by the defendant.

Having considered the entirety of the records and file herein, the Court rules as follows:

1. Motion to Vacate Judgment or Alternatively Motion for a New Trial [Dkt. #235] wherein Mr. Stephenson again challenges the jurisdiction of this Court and argues that the government failed to prove its case beyond a reasonable doubt;

2. Motion to Vacate Judgment or Alternatively Motion for a New Trial [Dkt. #243] wherein Mr. Stephenson again challenges the jurisdiction of this Court and argues that the government perpetuated a fraud upon the Court through its witnesses and evidence;

3. Motion for Reconsideration of this Court's prior Order [Dkt. #241] denying Defendant's Motion for Release Pending Sentencing [Dkt. #245] wherein Mr. Stephenson rehashes the same arguments that he raised in his original motion for release and reargues his motions to vacate and for a new trial;

4. "Notice" of Dismissal of Counsel [Dkt. #248] wherein Mr. Stephenson again attempts to fire

1 his court-appointed standby counsel;

2 5. Motion for Mistrial and Objection to Judicial Misconduct [Dkt. #251] wherein Mr. Stephenson
3 yet again challenges this Court's jurisdiction and alleges, based upon an incredible and nonsensical affidavit
4 by one Lindy Deer, that the Court somehow gave the jury "secret" instructions presumably to disregard the
5 law and convict the defendant; and

6 6. Offer of Proof re: Jurisdiction, Objection to the Government's computation of the tax loss, and
7 another request to be released [Dkt. #253] wherein Mr. Stephenson again challenges this Court's jurisdiction
8 and seeks release. Mr. Stephenson also challenges the government's tax loss calculations on the grounds that
9 the person who prepared the calculations, Terry Martin, is not qualified to do so. Mr. Stephenson's challenge
10 to Mr. Martin is rejected; however, to the extent that the calculations are relevant at sentencing, they will be
11 dealt with in that proceeding.

12 In the above-referenced motions Mr. Stephenson continues to make the same arguments about
13 jurisdiction that this and every Court have previously and consistently rejected. All of the motions to the extent
14 they challenge this Court's jurisdiction are **DENIED**, and to the extent they raise other frivolous arguments
15 they are also **DENIED**. The Court will rule on the amount of tax loss at sentencing.

16 **IT IS SO ORDERED.**

17 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing
18 pro se.

19 Dated this 16th day of May, 2006.

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22 RONALD B. LEIGHTON
23 UNITED STATES DISTRICT JUDGE
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